

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:08CR3024
)	
Plaintiff,)	
v.)	
)	
HECTOR RODRIGUEZ, JR. and)	MEMORANDUM
LUIS ALFONSO RUIZ,)	AND ORDER
)	
Defendants.)	

This matter is before me on a report and recommendation by Magistrate Judge Piester, recommending that the defendants' motions to suppress be granted. No statement of objections has been filed pursuant to [NECrimR 57.3](#) and [28 U.S.C. § 636\(b\)\(1\)](#).

I have conducted a de novo review of the record and for the most part the report and recommendation will be adopted. I need not decide, however, whether reasonable suspicion justified the defendants' detention following the stop because Judge Piester was correct in concluding that the officer lacked probable cause to search the vehicle even if the detention was lawful. Accordingly,

IT IS ORDERED that:

1. the magistrate judge's report and recommendation ([filing 41](#)) is adopted to the extent described above; and
2. the defendants' motions to suppress (filings [24](#), [27](#)) are granted.

June 10, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge